

THE LAW OFFICE OF

**ELISA HYMAN, P.C.**

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January 23, 2024

*VIA ECF*

Honorable Vernon S. Broderick, U.S.D.J.  
United States District Court - Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *C.D., et al. v. N.Y.C. Dep't of Educ., et al.*, 23-cv-7189 (VSB)

Dear Judge Broderick:

I represent the Plaintiffs in the above-referenced case and write to respectfully request a *nunc pro tunc* extension of time to submit Plaintiffs' opposition to Defendants' partial motion to dismiss ("Opposition"), which was due January 17, 2024. This is Plaintiffs' first request for an extension of time to file the Opposition.<sup>1</sup>

Plaintiffs respectfully request until January 31, 2024 to submit their Opposition. Plaintiffs' counsel's staff inadvertently calendared the Opposition deadline for 21 days with a due date of January 24, 2024, rather than 14 days.

I did not realize the error until today. Our long-term paralegal left on December 29, 2024, and I was diagnosed with COVID on January 1, 2024, and out of the office for one week, which is why I did not realize the error earlier. One of our federal lawyers just had a death in her family and I had reached out to Defendants' counsel for a short extension of time (based on my belief that tomorrow was the deadline). However, in preparing the letter to the Court, we realized that we had missed the original deadline of January 17 due to the calendaring error.

Defendants' counsel consents to the *nunc pro tunc* extension, but requests that they have additional time to file their reply until February 14, 2024.

If Your Honor grants Plaintiffs' application, the Defendants' Reply will now be due February 14, 2024.

Thank you for Your Honor's consideration of this request. I apologize for the inconvenience this may cause the Court.

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<sup>1</sup> Your Honor had originally granted Defendants an extension of time to file their motion. ECF Nos. 6, 14, 15.


Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN, P.C.

/s/

By: \_\_\_\_\_

Elisa Hyman, Esq.  
*Counsel for Plaintiffs*

cc: Counsel of Record

**APPLICATION GRANTED**  
**SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 01/24/2024

Extension is granted. Plaintiff's Opposition is due  
January 31, 2024, and Defendants' Reply is due  
February 14, 2024. SO ORDERED.